

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA, : 23-cr-443-FB

23-cr-443-FB

-against- : United States Courthouse
: Brooklyn, New York

United States Courthouse
Brooklyn, New York

January 11, 2024

KYLE JOHNSON.

Defendant.

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TRANSCRIPT OF CRIMINAL CAUSE FOR BOND REVIEW
BEFORE THE HONORABLE FREDERIC BLOCK
UNITED STATES SENIOR DISTRICT COURT JUDGE

A P P E A R A N C E S:

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1 THE COURTROOM DEPUTY: Criminal cause for a bail
2 application, United States of America versus Kyle Johnson.

3 I ask counsel if you could state your appearances.

4 MR. RODDIN: Appearng for the United States,
5 Assistant United States Attorneys Andrew Roddin and Anna
6 Karamigios.

7 Good afternoon.

8 THE COURT: Welcome to court. And we have Ms. Lopez
9 from pretrial services.

10 PRETRIAL OFFICER LOPEZ: Correct, Your Honor.

11 THE COURT: Go ahead.

12 MS. NOTARI: Good afternoon, Your Honor.

13 Paula Notari on behalf of Mr. Kyle Johnson.

14 THE COURT: We're waiting for the defendant to be
15 produced. We can chit chat in the meantime. Mr. Roddin, once
16 in a while it's good to smile in this troubled word of ours
17 and make a joke. I'm sure you do the same thing when I'm not
18 around.

19 MR. RODDIN: Understood, Judge.

20 THE COURT: You have a good sense of humor?

21 MR. RODDIN: Sure.

22 THE COURT: You're not kidding me, are you?

23 MR. RODDIN: It's a very serious proceeding, Judge,
24 and I'm not in a position to make jokes.

25 THE COURT: It is very serious and I'm not

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1 suggesting we treat it lightly. We want to be practical.
2 From my understanding, everybody else is on bail except this
3 defendant; is that correct?

4 MR. RODDIN: The only other exception would be Mr.
5 LaForte, who is incarcerated on his other EDPA case, in
6 addition to this one.

7 THE COURT: That's a separate dynamic.

8 MR. RODDIN: Yes.

9 THE COURT: He's coming into court now, I believe.
10 (Defendant present.)

11 THE COURTRoom DEPUTY: Mr. Johnson is now in court.

12 THE COURT: Okay. So I made some comments before
13 Mr. Johnson was here, and I'm troubled by the fact that he's
14 the only one who remains in jail.

15 Is there a way to cut that down? The sun is shining
16 in my eyes and I cannot see.

17 THE COURTRoom DEPUTY: Yes.

18 (Pause.)

19 THE COURT: So I mentioned before Mr. Johnson came
20 to court that I was concerned that he is the only one,
21 effectively, who is still incarcerated, and we went over this
22 the last time very carefully.

23 And I kept him in jail because I was not satisfied
24 that he had sufficient assurances from people who I could rely
25 upon to sort of assure that he would be present when needed.

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1 I was also troubled by the fact that his brother was
2 not here, as well. We have a record all about that. Mr.
3 Roddin, I take this very, very seriously. I did not let him
4 out last time because I didn't have a confidence level.

5 But since then, there were submissions made by
6 counsel and I've received a batch of other papers, which I
7 haven't had a chance to look at. We can talk it through.

8 Let me speak, first, to Ms. Notari. The sureties
9 are not present today?

10 MS. NOTARI: No, Your Honor.

11 There were four proposed suretors and in court is
12 Mr. Stanley Johnson.

13 THE COURT: His brother is here.

14 MS. NOTARI: He was not present last time.

15 THE COURT: Well, he gave priority to the fact that
16 his employment came first.

17 MS. NOTARI: It was a required class that he had to
18 take. It was a required class that he had to take.

19 THE COURT: You have to speak a little louder.

20 MS. NOTARI: Yes. It was a required class he had to
21 take. Kenya Tucker is also here. And, Your Honor, Giselle
22 Malave, and there's information in the packet, she owns two
23 restaurants.

24 THE COURT: She's not here.

25 MS. NOTARI: She has 104 temperature.

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1 THE COURT: Go slow. What makes this different
2 is -- how do you pronounce that?

3 MS. NOTARI: Giselle, like the model.

4 THE COURT: This makes it a little different than
5 when we were here the last time, and I'm looking at the papers
6 you submitted here from her. I haven't had a chance to read
7 them because you just gave them to me a little while ago, but
8 she's not here. She's going to have to sign some papers in
9 order for Mr. Johnson to be released.

10 MS. NOTARI: Your Honor, if you have any questions,
11 she's available on standby on the phone. She's just sick.
12 She has the flu.

13 THE COURT: I understand that. We're here for the
14 government. They're going to probably oppose everything.

15 How do we release him today if I don't have her here
16 to sign the necessary papers?

17 MS. NOTARI: Could Your Honor have her -- I'll ask
18 that she come to the courthouse tomorrow.

19 THE COURT: She'll have to do that. I'm going to
20 rely upon Ms. Lopez to make sure he'll stay in jail until
21 that's done.

22 MS. NOTARI: I understand that.

23 THE COURT: I don't know what else I can do.

24 MS. NOTARI: That's fine, Your Honor.

25 THE COURT: We'll speak to the folks who are here

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1 today, first, and in the meantime I want to give Mr. Roddin
2 the opportunity to state his position. So you understand I'm
3 trying to be circumspect.

4 I'm trying to make a reasonable decision to assure
5 that his presence will be here. He's not going to be going
6 anywhere. He's going to be on home confinement. He's going
7 to be possibly detained. He's not going to have a passport.
8 I don't see any real danger here of his running loose on the
9 community.

10 We're going make sure that the suretors understand
11 what their responsibilities are, and we're going to keep him
12 in until Giselle recovers from her illness and is able to come
13 here and sign the necessary paperwork.

14 You know, he's not a wealthy person. The other
15 people who are on bail have probably better economic means to
16 really put more of a surety. Right?

17 So it's a difficult cup of tea because you don't
18 want to punish somebody to a fault if you could avoid doing
19 that, because he may not have financial wherewithal that the
20 codefendants have. So I just want to share with you how I
21 assess these things.

22 So I'm going to ask you now as representative of the
23 government, what is the fair thing here to do under all the
24 circumstances?

25 MR. RODDIN: As the Court suggested, we do oppose

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1 the package that's being put forth. And I think there are
2 some circumstances, that as we commented on at the last
3 appearance, set Mr. Johnson apart from some of the other
4 defendants who have been released. One is a recent gun
5 conviction.

6 I should note, I certainly am aware that the Court
7 said shortly before we called the case that you were inclined
8 to grant the motion. I just want to make sure that I have
9 given every reason --

10 THE COURT: I want you to make your record. We're
11 here to have an open discussion. That is how I do it.

12 I just want to know whether you share any of my
13 frustrations based on his status compared to the other
14 codefendants. That's the balance, which I'm concerned about.

15 Sometimes it doesn't matter. You have to keep
16 somebody in jail if they can't give the Court assurances that
17 they're not going to be a risk. I get that. But I don't
18 think that I see a serious risk here under the current
19 circumstances that we're talking about.

20 MR. RODDIN: One of the factors that I think sets
21 Mr. Johnson apart is the recent felon in possession conviction
22 in the Southern District, as opposed to the much more dated
23 gun involvement by --

24 THE COURT: You're right. He's not going to be at
25 liberty.

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1 MR. RODDIN: Another factor would be certainly
2 the direct -- excuse me, not the direct involvement in the
3 sense of swinging the hammer, but the involvement in the
4 hammer assault and the violent extortion attempts.

5 THE COURT: That's the evidentiary aspect of this,
6 which I understand and weigh. I don't see that as a risk.
7 He's not going to get out of that house. I'm not going to let
8 him -- well, you know, will I let him out to go to work? I
9 don't know. Maybe not.

10 MR. RODDIN: When we talk about the conditions on
11 which he's going to be released, I do think the Court should
12 consider that this is, in most material respects, a nearly
13 identical package to what the Court rejected about a month
14 ago.

15 The previous application it was \$150,000 bond and
16 then \$200,000 bond. There were three suretors proposed at
17 that time, two of which were the same as the suretors being
18 proposed now.

19 THE COURT: I think we have Giselle now. I don't
20 think we had her before.

21 MR. RODDIN: Correct. She's the new suretor.

22 THE COURT: That's the difference here.

23 MR. RODDIN: And Ms. Malave, of course, is not
24 present in court with us, which I know was a factor.
25 Obviously she's sick and she can't be here, but I know that

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1 was a factor.

2 THE COURT: She's a human being like the rest of us.

3 MR. RODDIN: I think when we look at the package
4 that's being offered, other than the addition of one more
5 suretor and \$50,000 more, it's almost identical to the package
6 that the Court --

7 THE COURT: I think Giselle is doing more than that.
8 She is willing to, what is it, \$250,000 she's willing to sign.

9 MS. NOTARI: Yes, Your Honor.

10 And I do think that the Court should understand that
11 not only does she own -- she's the owner of two -- runs two
12 restaurants in New York City, but she's also chairperson of
13 the Economic Development and Culture Committee. She's also
14 part of the community board.

15 She essentially -- and Mr. Johnson was somebody who
16 worked at her restaurant, and she's willing to allow him to
17 work on home confinement, on electric monitoring, at the
18 restaurant during the pendency of this case. She is a pillar
19 of our community and --

20 THE COURT: She makes a big difference to me. Tell
21 me what she's willing to sign her name to. 250,000, if I
22 recall.

23 MS. NOTARI: Yes, secured by the signatures. We're
24 proffering four signatures.

25 THE COURT: Secured by what?

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1 MS. NOTARI: Just, Your Honor, nobody has real
2 property to post.

3 THE COURT: She has no real property.

4 MS. NOTARI: No.

5 THE COURT: So it's basically her Jane Hancock on a
6 piece of paper that's obligated \$250,000?

7 MS. NOTARI: Yes.

8 THE COURT: But she does have these businesses, even
9 though she doesn't have any real estate that she owns. Is
10 that correct?

11 MS. NOTARI: Yes, Your Honor.

12 And, actually, as part of the package, and I
13 provided the government with this information in advance,
14 there's like --

15 THE COURT: I'm willing to do this but I'd like to
16 speak to her.

17 MS. NOTARI: Could we call her? She's available.

18 THE COURT: We can do that. She's going to still
19 have to come in and sign.

20 MS. NOTARI: That's fine but we can call her. She's
21 ready.

22 MR. RODDIN: One other point, Judge, if we're
23 talking about home confinement, I just want to be precise
24 about that wording.

25 If we're talking about home confinement, also known

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1 as home incarceration, the defendant is not going to be able
2 to leave for work. And it's certainly the government's
3 position --

4 THE COURT: Let's talk about that. Should we let
5 him work at the restaurant?

6 MR. RODDIN: Your Honor, the other defendants who
7 have -- some of the other defendants who have been released
8 were released to home confinement, in other words, 24-hour
9 lockdown.

10 THE COURT: My thinking is that I'm not going to let
11 him out of the house. I mean we're going to move this trial
12 along. That's the best way of dealing with it. You're going
13 to tell me what the status is.

14 Where are we at in the negotiations for a global
15 plea, or are we going to trial here? That may be factor that
16 will weigh on how I manage this.

17 MR. RODDIN: There have not been extensive plea
18 negotiations. What I can tell you is that we have been in
19 extensive discussions over a proposed protective order.

20 THE COURT: You have been?

21 MR. RODDIN: Yes. As recently as less than an hour
22 ago we were on the phone with the defense attorneys discussing
23 the possible terms of the protective order.

24 That's been a longer process than we anticipated, to
25 be sure, but it's been a substantive process and we're getting

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1 there.

2 THE COURT: Well, I think I'm going to start off by
3 keeping him confined at home and see how it works. And I can
4 always modify the conditions in the future, depending upon the
5 circumstances of when the trial would take place or not take
6 place, whether there will be a plea or not a plea.

7 I think I have to sort of like stage this in. In
8 the first instance, if he prefers to sit at home rather than
9 jail I'll allow him to do that.

10 He understands that he at least has gotten credit
11 should he be convicted to have the time in jail credited
12 towards his ultimate release. He's not going to get that in
13 home confinement. So he should understand that.

14 MS. NOTARI: Yes, he does.

15 THE COURT: Why don't we do this. Let me speak to
16 the suretors now and call up his brother first. They each are
17 obligating themselves to how much, 200,000? You say here, Ms.
18 Notari, to make sure I know what the facts are.

19 MS. NOTARI: You want to speak to Stanley first?

20 THE COURT: You stay right here and call up Stanley
21 first and the other people here.

22 THE COURTRoom DEPUTY: If you could state your name,
23 for the record.

24 MR. S. JOHNSON: Stanley M. Johnson, II.

25 THE COURT: All right. I assume you're going to be

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1 telling me the truth now.

2 MR. S. JOHNSON: Yes.

3 THE COURT: You know your brother pretty well. He's
4 had some problems, and I don't know whether you have had any
5 problems. You can tell me.

6 Do you have a clean record? Have you been in jail?

7 MR. S. JOHNSON: I've been incarcerated.

8 THE COURT: What for?

9 MR. S. JOHNSON: Distribution of a controlled
10 substance.

11 THE COURT: Drugs?

12 MR. S. JOHNSON: Yes.

13 THE COURT: What kind?

14 MR. S. JOHNSON: Cocaine.

15 THE COURT: How long ago?

16 MR. S. JOHNSON: About 20 years ago.

17 THE COURT: How much time did you serve?

18 MR. S. JOHNSON: All told about 6, 7 years.

19 THE COURT: So you've been at liberty for the last
20 14 years or so?

21 MR. S. JOHNSON: Yes.

22 THE COURT: What have you been doing?

23 MR. S. JOHNSON: I work for the New York City
24 Housing Authority as a supervisor.

25 THE COURT: How long have you worked for them?

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1 MR. S. JOHNSON: Six and a half, going on seven
2 years.

3 THE COURT: That is a responsible job. And you've
4 been clean and you've been law abiding during this period of
5 time?

6 MR. S. JOHNSON: Yes.

7 THE COURT: Are you married?

8 MR. S. JOHNSON: No.

9 THE COURT: You don't have to be. You have a
10 girlfriend?

11 MR. S. JOHNSON: Yes.

12 THE COURT: She's in court. Where do you live?

13 MR. S. JOHNSON: Between his -- with my brother Kyle
14 and her house in Brooklyn.

15 THE COURT: Whose home?

16 MR. S. JOHNSON: My girlfriend.

17 THE COURT: Her home?

18 MR. S. JOHNSON: Yes.

19 THE COURT: Sounds like a good girlfriend to have.

20 Now, what is it that he's willing to sign for? How
21 much?

22 MS. NOTARI: Well, I have proposed \$250,000.

23 THE COURT: 250,000. What is your weekly salary?

24 MR. S. JOHNSON: After child support?

25 THE COURT: Before.

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1 MR. S. JOHNSON: Last year I made 75,000, including
2 overtime.

3 THE COURT: You're going to be signing a document
4 that is going to say that if your brother doesn't comply with
5 his terms of release you're going to be on the hook for
6 250,000.

7 MR. S. JOHNSON: Okay.

8 THE COURT: Are you willing to do that?

9 MR. S. JOHNSON: Yes.

10 THE COURT: You may not have \$250,000.

11 MR. S. JOHNSON: I don't.

12 THE COURT: I'm not criticizing. If he does
13 dishonor you, you're going to have a judgment against you for
14 \$250,000 that could be collected for the rest of your life.
15 Are you willing to do that for your brother?

16 MR. S. JOHNSON: Yes.

17 THE COURT: Mr. Johnson, you realize what your
18 brother is willing to do for you?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you want to ask any questions of Mr.
21 Johnson? I'll give you the opportunity to do that.

22 MR. RODDIN: I have no additional questions.

23 THE COURT: So, Ms. Lopez, you'll take care that he
24 signs the papers. He can do it while he's here so he can take
25 care of this now. Make sure he behaves.

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1 MR. S. JOHNSON: Thank you, sir.

2 THE COURT: Let's have your girlfriend. She's the
3 other one.

4 MS. NOTARI: No. Kenya Tucker is my client's former
5 girlfriend but now they're friends. They live separately.

6 THE COURT: She's good friends of your client?

7 MS. NOTARI: She's known him for approximately ten
8 years and she --

9 THE COURT: I'm going to talk to her.

10 THE COURTRoom DEPUTY: State and spell your name.

11 MS. TUCKER: Kenya Tucker, K-e-n-y-a T-u-c-k-e-r.

12 THE COURT: Welcome to Court. Have you ever been
13 before a judge before?

14 MS. TUCKER: Once.

15 THE COURT: I'm not going to ask what that's about.

16 You heard what I just questioned Mr. Johnson about.
17 So you understand what my concerns are. I want to make sure
18 he has responsible suretors.

19 He doesn't have a lot of money. I don't want him to
20 be penalized because of that. I want to make a record and my
21 best efforts to make sure that he's going to behave himself.
22 Do you understand that?

23 MS. TUCKER: Yes, sir.

24 THE COURT: How much is it that you're proposing,
25 250,000?

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1 MS. NOTARI: Yes, Your Honor.

2 THE COURT: Tell me a little bit about what you do
3 now.

4 MS. TUCKER: I work in the restaurant business. I
5 manage a restaurant in Riverdale in the Bronx, a couple days
6 of the week. On the other days I'm building my business. I
7 work as a bartender in private event spaces. So if you,
8 yourself, or someone you know needs a bartender, bat mitzvah,
9 birthdays, you name it, give me a call.

10 THE COURT: Sounds like you're probably a good
11 bartender.

12 MS. TUCKER: I am.

13 THE COURT: How long have you known Mr. Johnson?

14 MS. TUCKER: Ten years.

15 THE COURT: What's your current relationship?

16 MS. TUCKER: He is one of my best friends.

17 THE COURT: Do you have any -- have you had any
18 brushes with the law in the past? I don't want to impose upon
19 you, but I want to make sure I have responsible suretors.

20 MS. TUCKER: Yes. I have no criminal record at all.

21 THE COURT: Clean machine.

22 MS. TUCKER: Correct. Not even in a parking ticket.

23 THE COURT: Mr. Roddin, do you want to ask any
24 questions at all?

25 MR. RODDIN: I think we discussed at the last

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1 appearance, but there was an order of protection issued on
2 behalf of Ms. Tucker against Mr. Johnson in 2020 that I think
3 the Court should inquire.

4 THE COURT: It goes back to 2020?

5 MR. RODDIN: That's correct.

6 THE COURT: Tell me about what that's about.

7 MS. TUCKER: Kyle and I lived together for five
8 years. We were romantically involved from the beginning and
9 we broke up. That was what that was about.

10 THE COURT: This goes back a few years.

11 MS. TUCKER: Four years ago.

12 THE COURT: Have you sort of resolved your
13 differences? Perhaps you're in a different place today.

14 MS. TUCKER: Yes, we're friends. Before we were
15 romantic and it wasn't working out. Now we're friends.

16 THE COURT: Anything else?

17 MR. RODDIN: No, Your Honor.

18 THE COURT: So you know you're going to be signing
19 today an obligation that obligates you for \$250,000. I
20 suspect you don't have that in the bank.

21 MS. TUCKER: Not yet.

22 THE COURT: You hope to?

23 MS. TUCKER: Yes.

24 THE COURT: If, in fact, Mr. Johnson, you had
25 problems in the past, decides not to abide by his terms of

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1 release, you're going to be on the hook for \$250,000. That
2 will be a judgment that can be collected against you for the
3 rest of your life. You understand that?

4 MS. TUCKER: Yes, sir.

5 THE COURT: So you're putting a lot of faith in him,
6 even though you've had this unfortunate situation in the past
7 that, nonetheless, you're willing to put your neck on the line
8 for him today, so to speak.

9 MS. TUCKER: Yes, sir.

10 THE COURT: Any questions you want to ask me?

11 MS. TUCKER: How soon does he get out?

12 THE COURT: He's going to get out as soon as we get
13 Ms. Giselle to sign some papers. She's ill today. I'm going
14 to keep him at home for a while. You can visit. But no
15 arguments, no fights, but it would be good for him to have
16 some support. There's no question about that. Whether I'll
17 let him out to go to work, that depends. I'm not going to do
18 that in the first instance. We'll see how he behaves himself.

19 MS. TUCKER: Thank you.

20 THE COURT: Who else is here?

21 THE COURTRoom DEPUTY: We're going to call Giselle
22 now.

23 MS. NOTARI: His other brother lives in Virginia,
24 and he was recently in a car accident so he's recovering.

25 THE COURT: His other brother lives in Virginia.

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1 He's willing to also be a suretor for \$250,000?

2 MS. NOTARI: Yes.

3 THE COURT: But he's not here.

4 MS. NOTARI: He's also available by phone, Your
5 Honor. He's recovering from a car accident.

6 THE COURT: I can speak to him but --

7 MS. NOTARI: Your Honor, usually the procedure is he
8 could either deal with the clerk's office here or he can go to
9 a clerk's office --

10 THE COURT: I'm going to let Ms. Lopez secure
11 whatever documents you need from him, as quickly as you can.

12 PRETRIAL OFFICER LOPEZ: My understanding is that's
13 correct, either he has to report to the district where he
14 resides or he has to report here to sign the documents.

15 THE COURT: He doesn't have to sign anything?

16 PRETRIAL OFFICER LOPEZ: He has to sign the bond.

17 THE COURT: So you make sure that gets done, right?

18 PRETRIAL OFFICER LOPEZ: Yes, Your Honor.

19 THE COURT: He's going to be in for a while, for
20 another day or so, I suspect. Get Ms. Giselle on the phone.

21 THE COURTRoom DEPUTY: Ms. Malave, this is Judge
22 Block and he'd like to speak to you.

23 THE COURT: Ms. Malave, is that how you pronounce
24 your last name?

25 MS. MALAVE: Correct.

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1 THE COURT: This is Judge Block speaking from the
2 courthouse. Can you hear me?

3 MS. MALAVE: I can hear you.

4 THE COURT: I understand that you are,
5 unfortunately, ill today. You have a high fever and you're
6 trying to recover. I assume that's correct.

7 MS. MALAVE: Yes, that is correct.

8 THE COURT: I know that you're supportive from the
9 papers that you submitted for Mr. Johnson, and I want to talk
10 to you a little bit on the phone now so I have a comfort level
11 that he's going to behave himself properly should I let him
12 out of jail today, or perhaps tomorrow, as soon as we can get
13 around to handling the details.

14 Tell me a little bit about your business. I know
15 Ms. Notari has spoken well of you. But apparently you're
16 willing to sign a \$250,000 personal bond.

17 Am I correct about that?

18 MS. MALAVE: Correct.

19 THE COURT: Do you understand that once you do that,
20 that if Mr. Johnson violates any of his conditions of release,
21 which are pretty extensive; he won't be able to leave the
22 house, at least initially, and he's going to be monitored and
23 he's going to have to behave himself, that if he violates any
24 of his conditions and he has to be remanded, that you will be
25 personally responsible for a quarter of a million dollars.

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1 Do you understand that?

2 MS. MALAVE: I do understand that.

3 THE COURT: So you're putting a lot of faith and
4 confidence in him, which is admirable, but you have to
5 understand the consequences if he misbehaves.

6 Basically, once you sign on the dotted line, you're
7 going to be responsible for a quarter of a million dollars
8 should he be remanded, that the government can collect from
9 you for the rest of your life.

10 Do you understand that?

11 MS. MALAVE: I understand that, Judge.

12 THE COURT: Apparently you have a couple viable
13 restaurant businesses, but do not own any real property; is
14 that correct?

15 MS. MALAVE: Correct.

16 THE COURT: Tell me a little bit about your
17 restaurant businesses. I assume that they are, hopefully,
18 successful and that you are making a decent income from them.
19 Tell me a little bit more.

20 MS. MALAVE: My first restaurant I opened in 2017
21 and we've been there ever since. We have received great
22 support from the community. They enjoy our establishment, our
23 food, our drinks, our hospitality.

24 I sign my next lease for that establishment next
25 year for another ten years, God willing.

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1 THE COURT: Where is the restaurant located?

2 MS. MALAVE: We are at 2252 First Avenue in East
3 Harlem, New York.

4 THE COURT: Where? I'm having a hard time hearing
5 you.

6 MS. NOTARI: East Harlem.

7 THE COURT: And there's another restaurant, as well?

8 MS. MALAVE: Yes. The second restaurant I opened
9 recently in the Bronx on 155th and Walton Avenue. I'm
10 familiar with the area and the previous owner practically
11 knows me since I was a baby. She got tired and needed help,
12 so she sold me the restaurant. It's an operating restaurant
13 and we're doing very well, thank God.

14 THE COURT: You do good business in both
15 restaurants?

16 MS. MALAVE: Yes, thank God.

17 THE COURT: Would there be room for me to eat there
18 if I were to come and visit?

19 MS. MALAVE: Absolutely.

20 THE COURT: No question about it. I'm satisfied
21 from the papers you submitted to me that you will be committed
22 to supporting Mr. Johnson. He's done bad things in the past,
23 but it doesn't mean he has to be in jail for the rest of his
24 life, necessarily.

25 I don't know whether I'm going to let him come work

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1 for you, but if I were to do that, would he able to work in
2 your restaurant, in one or both of them?

3 MS. MALAVE: Yes.

4 THE COURT: What will you have him do? I'm not
5 going to let him out now, but I'll think about it. What would
6 you have him do?

7 MS. MALAVE: I would have him open up the restaurant
8 in the morning, at least the one in the Bronx location because
9 we do open up very early. We do breakfast, lunch, and an
10 early dinner. So I would have him open in the Bronx and
11 supervise what it is, the prepping, the preparation, making
12 sure everything is always running at 100 percent.

13 THE COURT: Initially I'm not going to let him do
14 that. I'm open-minded to see how he behaves and we can
15 revisit that at a later time.

16 We want to try to get these charges resolved as
17 quickly as we can. But he should be allowed to be at liberty.
18 He's presumed to be innocent now, and I'm going to let him be
19 at liberty. But you do understand the responsibilities that
20 you have and the economic obligations you have should he be
21 remanded. I just want to make sure I understand you clearly.
22 Yes to that?

23 MS. MALAVE: Yes, I understand, Judge.

24 THE COURT: Now, the government attorney is here,
25 Mr. Roddin. I'll give him the opportunity to ask you any

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1 questions, which he may have. Mr. Roddin?

2 MR. RODDIN: Your Honor, I would just ask for Ms.
3 Malave to tell us what her relationship to Ms. Johnson is.

4 THE COURT: Mr. Roddin wants to know what the nature
5 of your relationship is with Mr. Johnson, how long you've
6 known him and a little bit of a sense of all of that.

7 MS. MALAVE: So when I opened up my first restaurant
8 in East Harlem he was a patron who didn't frequently go there
9 but he did go from time to time and just always so helpful and
10 things that really you don't expect from customers.

11 But he really did extend his help in the running of
12 my first restaurant with my husband and two children. It was
13 very much appreciated.

14 THE COURT: How long ago was that?

15 MS. MALAVE: 2017. I would say about eight years.

16 THE COURT: So for eight years he's been helping you
17 out, right?

18 MS. MALAVE: Correct.

19 THE COURT: Anything else?

20 MR. RODDIN: No. Thank you.

21 THE COURT: Now, Ms. Malave, you have to, I believe,
22 sign papers here. Ms. Lopez, you're going to tend to what has
23 to be done here with respect to all that?

24 PRETRIAL OFFICER LOPEZ: Correct, Your Honor.

25 THE COURT: I'm going to keep him here until

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1 Ms. Lopez takes care of all the necessary paperwork, and he
2 will be released and I hope you're going to be covered. You
3 don't have Covid, do you?

4 MS. MALAVE: No, I tested negative today. I think
5 it's a really bad flu.

6 THE COURT: Get well fast and see you in court
7 someday, hopefully. Anything else you wish to ask her, Ms.
8 Notari?

9 MS. NOTARI: No, Your Honor.

10 THE COURT: Thank you very much, Ms. Malave. Get
11 better.

12 MS. MALAVE: Thank you.

13 THE COURT: So I don't normally do this, usually
14 magistrate judges take care of it all. So is there anything
15 else I need to do?

16 PRETRIAL OFFICER LOPEZ: You're asking me, Your
17 Honor?

18 THE COURT: Yes.

19 PRETRIAL OFFICER LOPEZ: No, there's nothing else.
20 I'll coordinate --

21 THE COURT: Coordinate things with Ms. Notari. And
22 she's not well, but maybe you can still get her to sign
23 something or do something over the telephone, whatever it is
24 that's required. But you do whatever you need to satisfy
25 yourself and then let Mr. Innelli know that you are satisfied

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1 that everything was done appropriately, that all the papers
2 have been signed, and at that time we'll let him go.

3 PRETRIAL OFFICER LOPEZ: I want to clarify, for the
4 record, the bond, that everyone is on board? I just want to
5 note the conditions on the record.

6 THE COURT: He should know his conditions.

7 PRETRIAL OFFICER LOPEZ: He's going to report to
8 pretrial services as directed, surrender any passport, and do
9 not reapply for any documents.

10 THE COURT: Go slow because we have to get this down
11 on the record.

12 PRETRIAL OFFICER LOPEZ: Travel within New York
13 City, Long Island, and Southern District of New York, have no
14 contact with codefendants, victims, and witnesses, subject to
15 home incarceration, which is 24-hour lockdown at the residence
16 except for medical necessities, court appearances and any
17 other activity ordered by the Court, and no contact with
18 anyone in organized crime.

19 THE COURT: Mr. Johnson, do you understand all that?

20 THE DEFENDANT: I do, Your Honor.

21 THE COURT: Be very careful because you have
22 associated with people who are having problems with the law,
23 so be very, very careful. You seem like you have a serious
24 way about you. I think it's unfortunate you have a checkered
25 past, but it's never too late to turn a corner and hopefully

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1 you'll be able to do that.

2 You have serious charges against you here. But
3 still, you're entitled to your freedom pending trial, the
4 disposition of your case. Is there anything you want to ask
5 me?

6 THE DEFENDANT: No, Your Honor. I appreciate it.

7 Thank you.

8 THE COURT: You understand everything that we spoke
9 about in court?

10 THE DEFENDANT: I do.

11 THE COURT: You understand your good friends are
12 going to be on the hook for a lot of money should you not
13 behave?

14 THE DEFENDANT: I do, Your Honor, and I appreciate
15 it.

16 THE COURT: Well, you should thank them for that and
17 make sure they're not going to have any problems.

18 THE DEFENDANT: Absolutely.

19 THE COURT: So I'm not sure if there's anything else
20 I need to do, Ms. Notari. I don't usually do these things.
21 Usually the magistrate judge does it, but I think we've
22 covered everything.

23 Is there anything you want to add?

24 MS. NOTARI: No, Your Honor.

25 THE COURT: Yes, Mike.

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1 THE COURTROOM DEPUTY: I have a telephone number for
2 Joseph Johnson, if you would like to speak to him.

3 THE COURT: I don't think it's necessary. If you
4 can get him also, do that, but I'm not going to hold him up
5 because of that.

6 Mr. Roddin, anything else?

7 MR. RODDIN: No. Thank you.

8 THE COURT: I thank you for being in court. I want
9 you to understand, I take these things very seriously,
10 notwithstanding sometimes it's good to smile once in awhile in
11 our troubled world. We all share those thoughts, I'm sure. I
12 think this concludes the proceeding. Good luck, Mr. Johnson.

13 | (Proceedings concluded at 3:42 p.m.)

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I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

19 /S/ Nicole Sesta, RMR, CRR
Court Reporter/Transcriber

February 24, 2024
Date